

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

BRUCE EDWARD FERRIEL

PLAINTIFF

v.

Civil No. 06-5061

SHERIFF KEITH FERGUSON;  
LT. PAUL CARTER; CAPTAIN  
HUNTER PETRAY; DR. NEIL  
MULLINS; NURSE SUE McDONALD;  
and CORPORAL POWELL

DEFENDANTS

O R D E R

Now on this 11th day of September, 2007, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #30), as well as a document filed by plaintiff entitled **Pre Suit to Judgement: Motion to Advance and Settle** (filed as document #31 and document #32). Plaintiff does not object to the Report And Recommendations, stating instead that he "agrees with Honorable James R. Marschewski." The Court, having carefully reviewed the Report And Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

**IT IS FURTHER ORDERED** that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, defendants' **Motion For Summary Judgment** is granted in part and denied in part.

The Motion is **granted** insofar as it seeks dismissal of plaintiff's claims of excessive force against defendant Corporal

Powell, and all claims asserted against Sheriff Keith Ferguson, Lt. Paul Carter, and Captain Hunter Petray, and those claims are hereby **dismissed**.

The Motion is **denied** insofar as it seeks dismissal of plaintiff's claims for denial of medical care against Nurse Sue McDonald and Dr. Neil Mullins, and those claims are **remanded** to the Magistrate Judge for further report and recommendation.

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
**JIMM LARRY HENDREN**  
**UNITED STATES DISTRICT JUDGE**